

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15289 of 2023

Shabanam Sinha Daughter of Shri Rambilas Singh Resident of village-
Navtolia Banni, P.O- Babu Bageecha, P.S.- Maheshkhut, District- Khagaria.

... .. Petitioner/s

Versus

- 1 . The State of Bihar through the Principal Secretary, Human Resource Department, Government of Bihar, Vikas Bhawan, J. L. Nehru Marg, Patna.
2. The Principal Secretary, Human Resource Department, Government of Bihar, Vikas Bhawan, J. L. Nehru Marg. Patna.
- 3 . The District Magistrate, Khagaria.
4. The District Program Officer, Establishment, Khagaria.
- 5 . The District Education Officer, Khagaria.
6. The Block Education Officer, Gogari, District- Khagaria.
7. Panchayat Secretary cum Member Secretary, Panchayat Teacher Niyojan Unit Banni, Gram Panchayat Raj Banni, Block- Gogari, Distict- Khagaria.
- 8 . The Headmaster, Elementary School, Navtolia Banni, P.O.- Babu Bageecha, P.S.- Maheshkhut, District- Khagaria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Prabhakar Kumar , Advocate
For the Respondent/s : Mr. Kameshwar Kumar (Gp 17)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 16-12-2024 Heard learned counsel for the parties.

2. This writ application has been filed for the
following reasons :-

(i) *To direct the respondent/s for setting aside the office order contained in Letter No. 100 dated 14.06.2023 (Annexure – 6) issued by Panchayat Secretary cum Member Secretary , Panchayat Teacher Niyojan Unit Banni, Gram Panchayat Raj Banni Block Gogari District- Khagaria (respondent No. 7) on the basis of resolution no-06 passed in its meeting dated 09.06.2023 whereby he dismissed the*



petitioner from retrospective effect dated- 16.02.2023 from the post of Panchayat Teacher pursuant to the Letter No. - 63 dated – 16.02.2023 issued by the District Program Officer Establishment Khagaria and Letter No.- 102 dated 13.02.2023 issued police Inspector Vigilance Investigation Bureau Bihar patna and also for reinstatement of the petitioner to the said post of Panchayat Teacher.

3 . At the outset, learned counsel appearing on behalf of the State raises preliminary objection to the effect that an alternative Statutory remedy is available to the petitioner to move before the District Appellate Authority by way of filing appropriate application under Section 13 of Bihar State School Teacher (Appointment, Transfer, Disciplinary Proceedings and Service Conditions) Rules, 2020 (hereinafter referred as “Rules, 2020”), which deals with the power and functions of the District Appellate Authority.

4. Since the petitioner has got statutory alternative remedy to move before the District Appellate Authority under Rule 13 of the Rules 2020, this Court is not inclined to interfere in the matter in its extra-ordinary writ jurisdiction.

5 . In view of the aforesaid facts and circumstances, petitioner is directed to file an application before the District Appellate Authority in accordance with law.

6. In the event, such application is filed by the



petitioner, the authority concerned is directed to dispose of the same, in accordance with law, after hearing the parties, by a reasoned and speaking order, as expeditiously as possible.

7. With the aforesaid observations and directions, this writ application stands disposed of.

8. It goes without saying that if any question of limitation arises before the District Appellate Authority, the same shall be considered, taking into consideration the fact that the petitioner was pursuing the issue before this Court under Article 226 of the Constitution of India.

(Prabhat Kumar Singh, J)

Koushik/-

U			
---	--	--	--

